

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

Green and tan colored Greatland brand wall tent and a white cardboard
box, which measures 11x9x4 inches and has a label addressed to
Candace Byrd, 31908 NE Healy Rd., Amboy, WA 98601

Case No.

MJ 13-5053

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, attached hereto and incorporated herein by reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached hereto and incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Title 18, United States Code, Sections 1855 & 1856; Title 36, Code of Federal Regulations, Sections 261.10(b); 261.5(c) & (d)

Offense Description

Burning timber on U.S. lands; leaving fire unattended; occupying National Forest System lands for residential purposes without a valid special use authorization.

The application is based on these facts:

See Affidavit of Special Agent Paul Huff, which is attached hereto and incorporated herein by reference.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Paul P. Huff

Applicant's Signature

Paul Huff, Special Agent, U.S. Forest Service

Printed name and title

Sworn to before me and signed in my presence.

Date:

3/14/13

David W. Christel

Judge's signature

City and state: Vancouver, Washington

DAVID W. CHRISTEL, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

STATE OF WASHINGTON }
COUNTY OF CLARK } ss

I, Paul P. Huff, being first duly sworn, depose and state as follows:

AFFIANT'S BACKGROUND

1. I am a special agent with the United States Forest Service (Forest Service) and have been so employed since January 2008. I have been a law enforcement officer with the Forest Service since December 1996. I am currently assigned to the Pacific Northwest Regional Office (Region Six), Regional Investigative Unit in Sandy, Oregon. Region Six of the Forest Service includes the National Forests located within Oregon and Washington. Prior to my employment with the Forest Service, I served as a law enforcement officer for the National Park Service for five years and (seasonally) the Colorado Department of Natural Resources for three years. I hold a Bachelor of Science degree in Wildlife Biology from Colorado State University and a Master of Criminal Justice degree from the University of Colorado. I completed the Criminal Investigator Training Program in 2009 and the Police Training Program for Land Management in 1994 at the Federal Law Enforcement Training Center. I also completed the Colorado Law Enforcement Training Academy in 1991.

2. During my 21 years as a special agent and law enforcement officer for the Forest Service and National Park Service, I have investigated violations involving fires and unlawful occupancy of public lands. I have searched for and seized evidence from structures, including tents, of persons unlawfully residing on public land.

3. I make this affidavit based upon personal knowledge as well as, where indicated, information obtained from other investigators and witnesses and from my

review of documents. Specifically, I obtained information from Forest Service Law Enforcement Officer Brad Miederhoff. Officer Miederhoff has been assigned to the Gifford Pinchot National Forest in Amboy, Washington, since 2007, and has investigated numerous fire and occupancy violations (felony, misdemeanor, and petty offenses) on National Forest System land. This affidavit does not contain every fact known to me regarding this investigation but rather only the information pertinent to establishment of probable cause.

8 4. It is a violation of federal law and regulations to occupy National Forest System lands for residential purposes without a valid special use authorization (Title 36, Code of Federal Regulations, Section 261.10(b)), to burn timber on any lands under the partial, concurrent, or exclusive jurisdiction of the United States (Title 18, United States Code, Section 1855; Title 36, Code of Federal Regulations, Section 261.5(c)), or to leave a fire unattended without completely extinguishing it (Title 18, United States Code, Section 1856; Title 36, Code of Federal Regulations, Section 261.5(d)).

15 5. On October 4, 2012, Officer Miederhoff received a call from Columbia Cascade Interagency Fire Dispatch Center requesting his response to a wildfire burning off of Road 37 within the Mount Saint Helens National Volcanic Monument within the Gifford Pinchot National Forest. The fire was later named the Canyon Camp Fire. Upon arriving at the fire, Officer Miederhoff observed a campsite established in a dispersed area about 75 yards north of the road. The camp appeared to have been established for some time and had fire burning within and adjacent to it. Fire crew members at the scene informed Officer Miederhoff that the campsite was unoccupied when they responded to the fire.

24 6. At the campsite, Officer Miederhoff observed a fire pit, which was bordered on one side by a piece of corrugated steel buried in the ground. A grate in the fire pit

26

contained two cooking pots with food in them and a coffee pot. The burned area of the wildfire spread out from the fire pit eastward and Officer Miederhoff observed a burn pattern consistent with the fire pit being the point of origin for the fire. The fire had spread through a thick layer of dry duff around the fire pit and campsite.

5 7. At the campsite, Officer Miederhoff also observed a green and tan Greatland brand wall tent set up at the campsite. A tarp was strung up above the tent. Officer Miederhoff returned to his office and requested advice from the duty Assistant United States Attorney in Seattle who advised Officer Miederhoff to return to the campsite and seize the tent and its contents but not to open the tent without a search warrant. Later in the day, accompanied by a U.S. Forest Service recreation technician, Officer Miederhoff returned to the area and dismantled the tent without opening it or revealing its contents. Officer Miederhoff and the recreation technician tied the tent into a large bundle and transported the tent back to the U.S. Forest Service office in Amboy, Washington.

15 8. Officer Miederhoff also seized a closed white cardboard box located at the campsite. The box measures 11x9x4 inches and has a label addressed to Candace Byrd, 31908 NE Healy Rd., Amboy, WA 98601.

18 9. The tent and box are presently stored in a secure storage cage in the Forest Service Warehouse at 42218 NE Yale Bridge Road, Amboy, Washington.

20 10. As of October, 22, 2012, no one has been known to have contacted any U.S. Forest Service office or personnel regarding the fire and campsite, or to claim any property seized by Officer Miederhoff at the campsite. The Canyon Camp Fire was contained on October 5, 2012, and reached a size of .5 acre.

24 11. Based on the foregoing facts, I respectfully request a search warrant be issued to search the green and tan Greatland brand wall tent and white cardboard box

26

27
Affidavit of Paul Huff - 3

28

(further described in Attachment A) for items of evidence (listed in Attachment B) leading to the identification of suspects in the occupancy and fire violations at the campsite located on National Forest Road 37.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

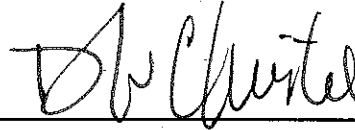
Affidavit of Paul Huff - 4

28



PAUL P. HUFF, Affiant
Special Agent
U.S. Forest Service

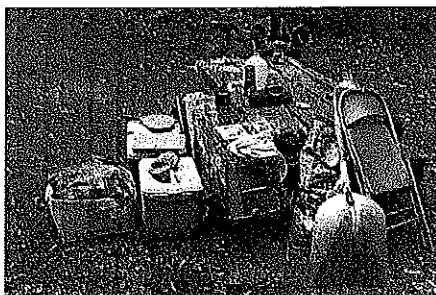
SUBSCRIBED and SWORN to before me this 14th day of March, 2013.



DAVID W. CHRISTEL
United States Magistrate Judge

ATTACHMENT A

The items to be searched are located inside the U.S. Forest Service Warehouse at 42218 NE Yale Bridge Road, Amboy, Washington. They are described as a green and tan colored Greatland brand wall tent and a white cardboard box, which measures 11x9x4 inches and has a label addressed to Candace Byrd, 31908 NE Healy Rd., Amboy, WA 98601.



ATTACHMENT B

Items To Be Seized

1. Evidence, fruits and instrumentalities of violations of Title 18, United States Code, Sections 1855 and 1856, and Title 36, Code of Federal Regulations, Sections 261.5(c) and (d), to include the following:

a. Any correspondence, books, records, documents, receipts, packages, photographs or electronically stored information that may lead to the identity of the person or persons occupying the campsite located 75 yards north of Forest Road 37 on the Gifford Pinchot National Forest on or about October 4, 2012.

b. Any materials or equipment utilized to build or maintain a campfire.